

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CHRISTOPHER EDMOWANDE,	§	
Plaintiff,	§	
	§	
	§	No. 3:10-CV-1806-M (BH)
v.	§	
	§	
ALLSTATE INSURANCE COMPANY,	§	Referred for Pretrial Management
Defendant.	§	

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, & RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The Court has under consideration the Findings, Conclusions, & Recommendation (“Recommendation”) of the United States Magistrate on *Defendants’ Motion to Dismiss Plaintiff’s Original Petition (Amended)*, filed October 21, 2010. Objections were filed, and the District Court has made a *de novo* review of those portions of the Recommendation to which objection was made. The objections are overruled, and the Court accepts the Recommendation of the United States Magistrate Judge. However, because Mr. Edomwande moved to amend his DTPA claims within fourteen days of the date of the Recommendation, he may amend his DTPA claims by March 15, 2011, to allege the facts, not conclusions, that his claims support that he was the victim of false, misleading or deceptive acts that establish a plausible DTPA claim.

Defendants’ Motion to Dismiss Plaintiff’s Original Petition (Amended), filed October 21, 2010, (doc. 8.) is **GRANTED**, in part, and **DENIED**, in part. Defendant’s motion to dismiss all of C.E.’s claims is **GRANTED**, and C.E.’s claims are dismissed without prejudice. When C.E. reaches majority status, she may assert her own claims. Defendant’s Rule 12(b)(6) motion to dismiss Mr. Edomwande’s DTPA claims is **GRANTED**, but these claims are dismissed without prejudice. Mr. Edomwande may amend only to assert his own DTPA claims, as specified above. In all other respects, Defendant’s motion to dismiss is **DENIED**.

SIGNED this 15th day of February, 2011.

A handwritten signature in black ink, reading "Barbara M. G. Lynn". The signature is written in a cursive style with a large initial "B" and a long, sweeping underline that extends across the text below.

BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS